

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|-------------------|
| UNITED STATES OF AMERICA, |) | 4:05CR3039 |
| |) | 4:05CR3091 |
| Plaintiff, |) | |
| |) | |
| v. |) | MEMORANDUM |
| |) | AND ORDER |
| THOMAS E. MILLER, |) | |
| |) | |
| Defendant. |) | |

Defendant filed several documents in each of the cases reflected in the caption above. Magistrate Judge Piester characterized them as motions, and on April 27, 2006, ruled that to the extent the motions were nondispositive, each was denied, and to the extent the motions were dispositive, he recommended that they be denied. (Filing 59, in 4:05CR3039; filing 35 in 4:05CR3091.) The defendant filed no response to the magistrate judge's April 27 order. Thus, the motions ruled upon in the April 27 order (filings 26, 27, 28, 29, 30, 31, 32, and 33 in case no. 4:05CR3091 and filings 50, 51, 52, 53, 54, 55, 56, and 57 in case no. 4:05CR3039) are before this court only to the extent they are dispositive motions.

After a de novo review of the Magistrate Judge's Recommendation pursuant to 28 U.S.C. § 636(b)(1) and NECrimR 57.3, I conclude that the Magistrate Judge's Recommendation should be adopted and the defendant's motions in filings 26, 27, 28, 29, 30, 31, 32, and 33 in case no. 4:05CR3091 and filings 50, 51, 52, 53, 54, 55, 56, and 57 in case no. 4:05CR3039, to the extent they are dispositive motions, should be denied.

I note that Defendant is still bound by the orders setting the conditions for pretrial release in these two cases (filing 7, as amended by filing 27, in case no. 4:05CR3039; filing 11, in case no. 4:05CR3091)

Accordingly,

IT IS ORDERED:

1. The Magistrate Judge's Recommendation (Filing 59, in 4:05CR3039; filing 35 in 4:05CR3091) is adopted;
2. To the extent they are dispositive motions, filings 26, 27, 28, 29, 30, 31, 32, and 33 in case no. 4:05CR3091 and filings 50, 51, 52, 53, 54, 55, 56, and 57 in case no. 4:05CR3039 are hereby denied;
3. Defendant is advised that he is still bound by the orders setting the conditions for pretrial release in these two cases (filing 7, as amended by filing 27, in case no. 4:05CR3039; filing 11, in case no. 4:05CR3091); and
4. The Clerk of Court shall file this memorandum and order in case nos. 4:05CR3039 and 4:05CR3091 .

May 24, 2006.

BY THE COURT:

s/Richard G. Kopf
United States District Judge